

MATTER OF SINCLAIR

In Visa Petition Proceedings

A-18148204

Decided by Board September 30, 1970

Under the law of Panama, legitimation of beneficiary, who was born out of wedlock in Panama in 1947, was accomplished by petitioner's acknowledgment of paternity of beneficiary by a declaration before the Mayor of Colon.

ON BEHALF OF PETITIONER:
Pro se

ON BEHALF OF SERVICE:
Irving A. Appleman
Appellate Trial Attorney

The petitioner appeals the decision of the District Director denying this visa petition filed to accord the beneficiary immediate relative status as the child of a United States citizen. The District Director determined that the petitioner failed to establish that the beneficiary is his legitimate child. We conclude that legitimacy has been established but the appeal must nevertheless be dismissed for another reason.

The petitioner is a native of Panama who became a naturalized citizen on August 5, 1963. The beneficiary, a native and citizen of Panama, was born on December 14, 1947, in Colon, Panama, to the petitioner and one Luisa Williams, whom the petitioner never married. The beneficiary's birth certificate presented in support of this petition lists the petitioner as the father. No mention is made therein of the parents' marital status or the legitimacy of the child.

On appeal petitioner asserts that his declaration in the birth certificate before the Mayor of the City of Colon that the beneficiary was his son is sufficient to constitute legitimation. He argues that according to the laws of Panama the beneficiary was, at birth, legitimate.

Our careful consideration of this question persuades us that the petitioner's argument has merit. In a memorandum furnished to us by the Hispanic Law Division of the Library of Congress, the